

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

RICHARD GONZALEZ GONZALEZ,
Plaintiff,

V.

No. 2:24-cv-2296-JFL

LELAND DUDEK,¹
Acting Commissioner of Social Security,
Defendant.

ORDER

AND NOW, this 7th day of April, 2025, upon consideration of Plaintiff's Complaint, *see* ECF No. 1; Plaintiff's Brief and Statement of Issues in Support of Request for Review, *see* ECF No. 11; Defendant's Contested Motion to Remand, *see* ECF No. 14; Plaintiff's Response thereto, *see* ECF No. 15; the administrative record, *see* ECF Nos. 9 & 10; and after review² of the Report and Recommendation of Pamela Carlos, United States Magistrate Judge, *see* ECF No. 18, **IT IS ORDERED THAT:**

1 Leland Dudek became the Acting Commissioner of Social Security on February 16, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Leland Dudek should be substituted as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

When neither party objects to a magistrate judge's report and recommendation, the district court is not statutorily required to review the report, under de novo or any other standard. 28 U.S.C. § 636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 152 (1985). Nevertheless, the United States Court of Appeals for the Third Circuit has held that it is better practice to afford some level of review to dispositive legal issues raised by the report. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987). "When no objections are filed, the district court need only review the record for plain error or manifest injustice." *Harper v. Sullivan*, No. 89-4272, 1991 U.S. Dist. LEXIS 2168, at *2 n.3 (E.D. Pa. Feb. 22, 1991); see also *Oldrati v. Apfel*, 33 F. Supp. 2d 397, 399 (E.D. Pa. 1998) (explaining that in the absence of a timely objection, the court should review the magistrate judge's report and recommendation for clear error). The "court may accept, reject, or modify, in whole or in part, the findings and recommendations" contained in the report. 28 U.S.C. § 636(b)(1)(C).

1. The Report and Recommendation, *see* ECF No. 18, is **APPROVED** and **ADOPTED**;
2. Defendant's Contested Motion to Remand, *see* ECF No. 14, is **DENIED**;
3. Plaintiff's request for review, *see* ECF No. 11, is **GRANTED**;
4. The Decision of the Commissioner is **REVERSED** and the matter is remanded to the Social Security Administration solely for the calculation and payment of benefits for the disputed timeframe **within sixty (60) days of entry of this Order**.
5. The Clerk of Court shall mark this case **CLOSED**.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.
JOSEPH F. LEESON, JR.
United States District Judge